

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civ. No. 13-293

2010 NISSAN FRONTIER SE
VIN: 1N6AD0EV0AC414082,

Defendant,

and

LEONEL ARNOLDO MOLINAR-COSS,
NISSAN MOTOR ACCEPTANCE CORPORATION,

Claimants.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff states:

JURISDICTION AND VENUE

1. This is a civil action *in rem* for forfeiture of Defendant property which has been located and will be arrested by execution of a Warrant for Arrest in the District of New Mexico; and during the pendency of this action Defendant, or its equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.

4. The "res" or property which is the subject of this action consists of 2010 Nissan Frontier SE, VIN: 1N6AD0EV0AC414082 (hereafter referred to as "Defendant Vehicle").

PARTIES AND CLAIMANTS

5. The following persons may claim an interest in Defendant Vehicle:
 - (a). Leonel Arnoldo Molinar-Coss;
 - (b). Nissan Motor Acceptance Corporation.

FACTS

6. On April 19, 2012, Drug Enforcement Administration (DEA) conducted electronic surveillance of two cellular phones leaving the vicinity of 45 Springfield Court, Las Cruces, NM; to 6110 Alameda Avenue, El Paso, Texas; then arriving at a restaurant on New Mexico State Road (NMSR) 478 in Vado, NM; then departing the restaurant and traveling towards El Paso, Texas.

7. DEA conducted surveillance at the restaurant and observed parked in the parking lot of the restaurant a gray Dodge pickup truck with an All Terrain Vehicle (ATV) in the bed, and a white 2010 Nissan Frontier SE pickup (the Defendant Vehicle).

8. At 4:30pm, the gray Dodge pickup truck left the restaurant traveling north on NMSR 478. It was followed a minute later by the white 2010 Nissan Frontier SE pickup (Defendant Vehicle). DEA located the Defendant Vehicle as it approached Mesilla Park, NM, and saw it had a Colorado license plate and was occupied by two male subjects.

9. The Defendant Vehicle is registered to Leonel Arnoldo Molinar-Coss, 298 South Zenobia Street in Denver, Colorado.

10. The Defendant Vehicle was last seen traveling north on Valley Drive from NMSR 478 in Las Cruces, NM.

11. Several days later, DEA saw the Defendant Vehicle at 8965 Arroyo Road in Las Cruces, NM, which is a residence owned by Luz Dominguez-Lopez.

12. According to intercepted phone calls, this meeting was to discuss with Barbara Erica Rascon and Giselle Aragon the circumstances surrounding their arrests at the Ysleta Port of Entry on April 13, 2012. The Defendant Vehicle was used by Leonel Molinar Dominguez Jr. and David Garcia Jr. to meet with the females at the cafe. All four people were indicted on September 20, 2012, as stated in paragraph 14.

13. Leonel Molinar Dominguez Jr. is the son of the registered owner, Molinar-Coss.

14. On September 20, 2012, an indictment was filed in *United States v. Eidolfo Dominguez-Lopez, Leonel Molinar Jr., David Garcia Jr., Gilbert Hinojosa, Adrian Ordonez, Luis Joaquin Maldonado-Rodriguez, Gustavo Alcantar-Avitia, Cristolbal Estrada Ortiz, Carlos Alberto Luis Calderon, Martha Denise Gomez, Barbara Erica Rascon-Pena, Giselle Liset Aragon, Omar Macias, Michelle Marquez, Mauricio Chaparro, and Jesus Manuel Veleta-Gastelum*, USDC D.N.M. Criminal No. 12-2333. DEA obtained arrest warrants for Leonel Molinar Dominguez Jr. and Gilbert Hinojosa Jr.

15. On September 20, 2012, David Garcia Jr. was also indicted in *United States v. Gustavo Alcantar-Avitia, Miguel Reyes, Victor Lucero, Lazaro Mendoza-Dominguez, David Garcia Jr., and Alberto Loya-Nevarez*, USDC D.N.M. Criminal No. 12-2334.

16. On September 27, 2012, the DEA arrested Leonel Molinar Dominguez Jr. and Gilbert Hinojosa Jr. at 298 South Zenobia Street, Denver, Colorado, which is the address listed for the registered owner of the Defendant Vehicle (Molinar-Coss).

17. On September 27, 2012, the DEA seized the Defendant Vehicle at the 298 South Zenobia Street, Denver, Colorado residence based on probable cause that the truck was used to facilitate the ongoing narcotics trafficking scheme.

18. The registered owner of the Defendant Vehicle, Leonel Arnoldo Molinar-Coss, has a criminal history.

19. There is no employment history for Leonel Molinar Dominguez Jr., who is currently incarcerated.

CLAIM FOR RELIEF


20. Defendant Vehicle is subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(4) because it was used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of illegal controlled substances.

21. Defendant Vehicle is subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because it was furnished, or intended to be furnished, in exchange for an illegal controlled substance, or constitute proceeds traceable to such an exchange, or were used or intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE: Plaintiff seeks arrest of Defendant Vehicle and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Vehicle, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

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28 U.S.C. § 1746 DECLARATION

I am a Special Agent with the Drug Enforcement Administration who has read the contents of the Complaint for Forfeiture *In Rem* to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury and the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

Dated: March 26, 2013



Craig F. Mischler, Special Agent
Drug Enforcement Administration